AUTHORIZING

the issuance of Conditional Use Permit No. 432 to allow a Wireless

Telecommunication Tower within a HC, Highway Commercial District

generally located at 1452 North Lafontaine Avenue. (Staff and

Planning and Zoning Commission recommend approval).

WHEREAS, pursuant to Section 36-363 of the Land Development Code of the

City of Springfield, Missouri, City Council may grant permits for certain types of

conditional uses in certain zoning districts; and

WHEREAS, the Planning and Zoning Commission held a properly noticed public

hearing and the Commission found that the necessary conditions existed for issuance of

a Conditional Use Permit; and

WHEREAS, City Council finds that sufficient evidence has been presented to

satisfy the applicable standards contained in Section 36-363(10); and

WHEREAS, the granting of such permit is deemed proper and beneficial to the

welfare of the City of Springfield, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

SPRINGFIELD, MISSOURI, as follows, that:

Section 1 – A Conditional Use Permit, generally referred to as Conditional Use

Permit No. 432, is hereby granted, in accordance with the provisions of Section 36-363

of the Land Development Code, to allow a 180-foot monopole wireless

telecommunication tower within a HC, Highway Commercial District with requirements

as described in “Exhibit A” which is attached hereto and incorporated herein by this

reference, for the real property generally located at 1452 North Lafontaine Avenue and

more completely described on “Exhibit B,” which is attached hereto and incorporated

herein by this reference.
Section 2 – Building permits and certificates of occupancy may be issued by the proper authorities consistent with the following conditions and requirements:

1. The regulations and standards listed on the attached “Exhibit A” which is incorporated herein by this reference shall govern and control the use and development of the land described on “Exhibit B.”

2. The proposed tower shall be located and constructed in substantial conformance to the attached site plan, which is attached hereto and is incorporated herein by this reference as “Exhibit D - Attachment 5”.

Section 3 – Any violation of the requirements of this Ordinance shall be grounds for the revocation of Conditional Use Permit No. 432.

Section 4 – This Ordinance shall be in full force and effect from and after passage only so long as the property and any improvements thereon conform to the conditions and requirements described in this Ordinance.

Passed at meeting: ____________________________

______________________________ Mayor

Attest: ________________________________, City Clerk

Filed as Ordinance: ________________________

Approved as to form: ____________________, Assistant City Attorney

Approved for Council action: ________________, City Manager
EXPLANATION TO COUNCIL BILL 2018-008

FILED: 01-09-18

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To authorize the issuance of Conditional Use Permit No. 432 to allow a Wireless Telecommunication Tower within a HC, Highway Commercial District generally located at 1452 North Lafontaine Avenue. (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: CONDITIONAL USE PERMIT NUMBER 432

This is a request for a Conditional Use Permit to allow a wireless telecommunication facility for a 180 feet monopole tower use within a HC, Highway Commercial District generally located at 1452 North Lafontaine Avenue. Wireless telecommunication towers are permitted only with a Conditional Use Permit.

The Growth Management and Land Use Plan element of the Comprehensive Plan identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate. Lafontaine Avenue is classified as a local roadway in the Transportation Plan.

Approval of this request will provide for the productive reuse of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

This Ordinance supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner.

CONDITIONS:

1. The regulations and standards listed on Attachment 3 shall govern and control the use and development of the land in Conditional Use Permit Number 432 in a manner consistent with the attached site plan (Attachment 5).

2. The proposed wireless telecommunication tower facility shall be located and constructed in substantial conformance to the attached site plan.

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will provide for the productive use of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.
2. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan, which identifies this area as appropriate for a variety of commercial uses.

The Planning and Zoning Commission held a public hearing on December 14, 2017, and recommended approval, by a vote of 7 to 0, of the proposed conditional use permit on the tract of land described on the attached sheet (see the attached “Exhibit C” Record of Proceedings).

REMARKS:

The Planning and Development staff recommends the application be approved with the following conditions (see the attached “Exhibit D” Development Review Staff Report).

Submitted by:

Bob Hosmer, AICP Principal Planner

Recommended by:  

Mary Lilly Smith, Director

Approved by:  

Greg Burris, City Manager

EXHIBITS:
Exhibit A, Requirements for Conditional Use Permit 432
Exhibit B, Legal Description
Exhibit C, Record of Proceeding
Exhibit D, Development Review Staff Report

ATTACHMENTS:
Attachment 1, Department Comments
Attachment 2, Requirements for Conditional Use Permit 432
Attachment 3, Standards for Conditional Use Permits
Attachment 4, Neighborhood Meeting Summary
Attachment 5, Site Plan
REQUIREMENTS FOR CONDITIONAL USE PERMIT 432

1. A wireless telecommunication tower facility is permitted in substantial conformance with Attachment 5 and section 36-363.10, b, 1.

2. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.
LEGAL DESCRIPTION
CONDITIONAL USE PERMIT NUMBER 432

LOTS 26 AND 27, BLOCK 1, FAIRMOUNT ADDITION, A SUBDIVISION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI AND THE WEST 10 FEET OF VACATED ALLEY LYING EAST AND ADJACENT AND ADJOINING SAID LOTS.
Conditional Use Permit 432
1452 North LaFontaine Avenue
Applicant: Summit Roofing Company, LLC

Mr. Hosmer stated that this is a request to allow a wireless telecommunication tower with Conditional Use Permit No. 432 in a HC, Highway Commercial District generally located at 1452 North LaFontaine Avenue. The Growth Management and Land Use Plan identifies area for Medium-Intensity Retail, Office or Housing. Lafontaine Avenue is classified as a local roadway in the Transportation Plan. The applicant request is to allow a 180-feet unmanned wireless telecommunication tower facility on the eastern side of the property. Wireless communication towers are allowed in HC district with a Conditional Use Permit. The approval of this request will provide for the productive use of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties. The proposed communication tower will be enclosed by a 6 feet wood fence and will require landscaping installed per code. The existing vegetation will remain on the south property line to meet landscaping requirements. Staff is requesting a modification to the site plan to require a row of evergreen scrubs per code to be placed on the north and west side; around the wooden fence. Staff recommends approval with modifications to site plan.

Mr. Doennig opened the public hearing.

Mr. Darryl Cain, 7406 Albervan Street, Shawnee, Kansas representing the owner. Putting a 185-foot cell tower in this location and will serve T-Mobile or any other type of wireless company.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:
Ms. Cox motioned to approve modifications to Conditional Use Permit 432 (1452 North LaFontaine Avenue). Mr. Rose seconded the motion. Ayes: Doennig, Shuler, Coltrin, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Coltrin.

COMMISSION ACTION:
Ms. Cox motioned to approve Conditional Use Permit 432 (1452 North LaFontaine Avenue) with modifications Ms. Broekhoven seconded the motion. Ayes: Doennig, Shuler, Thomas, Cox, Rose, Broekhoven, and Ogilvy. Nays: None. Abstain: None. Absent: Coltrin.
Conditional Use Permit No. 432

LOCATION: 1452 North Lafontaine Avenue
CURRENT ZONE: HC, Highway Commercial
PROPOSED ZONE: HC with a CUP No. 432 Cell Tower

LOCATION SKETCH
PURPOSE: To allow a wireless telecommunication tower with Conditional Use Permit No. 432 in a HC, Highway Commercial District generally located at 1452 North Lafontaine Avenue

REPORT DATE: November 20, 2017

LOCATION: 1452 North Lafontaine Avenue

APPLICANT: Summit Roofing Company, LLC

TRACT SIZE: Approximately 0.44 acres

EXISTING USE: Vacant undeveloped lot

PROPOSED USE: Wireless telecommunication tower

FINDINGS FOR STAFF RECOMMENDATION:

1. Approval of this request will provide for the expansion of a productive use of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

2. This application meets the approval standards for a Conditional Use Permit and is in conformance with the Comprehensive Plan, which identifies this area as appropriate for a variety of commercial uses.

RECOMMENDATION:

Staff recommends approval of this request with the following conditions:

1. The regulations and standards listed on Attachment 3 shall govern and control the use and development of the land in Conditional Use Permit Number 432 in a manner consistent with the attached site plan (Attachment 5).

2. The proposed Wireless telecommunication tower facility shall be located and constructed in substantial conformance to the attached site plan.
SURROUNDING LAND USES:

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>HC</td>
<td>Roofing business/ construction equipment storage</td>
</tr>
<tr>
<td>East</td>
<td>GM</td>
<td>Construction equipment storage</td>
</tr>
<tr>
<td>South</td>
<td>HC</td>
<td>Single-family home</td>
</tr>
<tr>
<td>West</td>
<td>HC</td>
<td>Excavating company</td>
</tr>
</tbody>
</table>

ZONING ORDINANCE REQUIREMENTS:

1. The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the City Council with an opportunity for discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may also have the potential for a deleterious impact upon the health, safety and welfare of the public. In granting a conditional use, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in the Zoning Ordinance to avoid, or minimize, or mitigate any potentially adverse or injurious effect of such conditional uses upon other property in the neighborhood. The general standards for conditional use permits are listed in Attachment 3.

2. No conditional use permit shall be valid for a period longer than 18 months from the date City Council grants the conditional use permit, unless within this 18 months:
   a. A building permit is obtained and the erection or alteration of a structure is started; or
   b. An occupancy permit is obtained and the conditional use is begun.

HISTORY:

The subject property was zoned HC, Highway Commercial District in 1995 during the citywide re-mapping (General Ordinance 4494).

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* identifies this as an appropriate area for Medium-Intensity Retail, Office or Housing. This mixed category indicates that a variety of office, commercial and/or mid-or high-density housing may be appropriate. Lafontaine Avenue is classified as a local roadway in the Transportation Plan.
STAFF COMMENTS:

1. This is a request for a Conditional Use Permit to allow a Wireless telecommunication tower facility on the subject property within a HC, Highway Commercial District generally located at 1452 North Lafontaine Avenue.

2. Approval of this request will provide for the productive use of the subject property which is already served with public infrastructure and services and is not expected to adversely impact the surrounding properties.

3. Staff has reviewed the applicant’s request for a Conditional Use Permit and has determined that it satisfies the standards for Conditional Use Permits outlined in Section 36-363(10) of the Zoning Ordinance. Any development of this property must also follow the HC, Highway Commercial District requirements.

4. The proposed Conditional Use Permit was reviewed by City departments and comments are contained in Attachment 1.

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting on November 21, 2017, regarding the request for a conditional use permit. A summary of the meeting is attached (Attachment 4).

PUBLIC COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Fourteen (14) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request.

| Notices sent to property owners within 185 feet | 14 |
| Notices returned as undeliverable               | 0  |

CITY COUNCIL PUBLIC HEARING:

January 16, 2018

STAFF CONTACT PERSON:

Bob Hosmer, AICP Principal Planner
864-1834
ATTACHMENT 1
DEPARTMENT COMMENTS
CONDITIONAL USE PERMIT 432

BUILDING DEVELOPMENT SERVICES COMMENTS:

1. No apparent issues with the Conditional Use Permit.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

City's Transportation Plan classifies N. LaFontaine Avenue as a Local roadway. The standard right-of-way width for N. LaFontaine Avenue is 25 feet from the centerline. It appears additional right-of-way is not needed. A survey is recommended to determine the exact amount of existing right of way. N. LaFontaine Avenue is a city maintained street. There are no recent traffic counts on N. LaFontaine Avenue south of W. Division Street. There is one access driveway points along N. LaFontaine Avenue pertaining to the property in this Conditional Use Permit. There is not sidewalk along the property frontage of N. LaFontaine Avenue. On-street parking is allowed along N. LaFontaine Avenue. There is not a Greenway Trail in the area pertaining to this zoning. There are bus stops along W. Division Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area.

<table>
<thead>
<tr>
<th>Public Works Traffic Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street classification</td>
<td>N. LaFontaine Avenue – Local</td>
</tr>
<tr>
<td>On-street parking along streets</td>
<td>N. LaFontaine Avenue – Yes</td>
</tr>
<tr>
<td>Trips generated - Peak Hour</td>
<td>N/A vehicles (HC)</td>
</tr>
<tr>
<td></td>
<td>N/A vehicles (HC)</td>
</tr>
<tr>
<td>Additional Trips generated with zoning change - Peak Hour</td>
<td>0 vehicles</td>
</tr>
<tr>
<td>Existing street right of way widths</td>
<td>N. LaFontaine Avenue - 60 ft. from centerline</td>
</tr>
<tr>
<td>Standard right of way widths</td>
<td>S. Delaware Avenue - 25 ft. from centerline</td>
</tr>
<tr>
<td>Traffic study submitted</td>
<td>Not required*</td>
</tr>
<tr>
<td>Proposed street improvements</td>
<td>None required</td>
</tr>
</tbody>
</table>

*A traffic study was not required. The current use of the properties in the Highway Commercial zoning is similar to that of the proposed Conditional Use. No additional trip generation is anticipated based on the Conditional Use.

PUBLIC WORKS STORMWATER DIVISION COMMENTS:

The property is in the Upper Wilsons Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required per Chapter 96. Buyout will be allowed in lieu of constructing on-site stormwater detention. Since the project will be disturbing less than one (1) acre there
will not be a land disturbance permit required. There are no sinkholes on the proposed property.

Please note that development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100-year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Please keep in mind that more detailed stormwater calculations must be submitted before any permits can be approved.

<table>
<thead>
<tr>
<th>Public Works Stormwater Division</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Basin</td>
<td>Upper Wilsons Creek</td>
</tr>
<tr>
<td>Is property located in Floodplain</td>
<td>No</td>
</tr>
<tr>
<td>Is property located on a sinkhole</td>
<td>No</td>
</tr>
<tr>
<td>Is stormwater buyout an option</td>
<td>Yes</td>
</tr>
<tr>
<td>Drainage Pattern</td>
<td>This site drains north towards existing infrastructure along Division built as part of 8PW3073.</td>
</tr>
</tbody>
</table>

CLEAN WATER SERVICES COMMENTS:

1. No objection to use permit however the site needs to show the vacated R/W and retained utility easement.
2. Public sewer is located directly on the east property line. A minimum 7.5" sewer easement would be required on the lease area if none exists. Vacation no. 646 indicates that utility access for the alley was retained with the vacation.

CITY UTILITIES:

1. No objections to the Conditional Use Permit.

FIRE DEPARTMENT:

1. No objections to the Conditional Use Permit.
1. A Wireless telecommunication tower facility is permitted in substantial conformance with Attachment 5.

2. All other standards of the Zoning Ordinance and other applicable ordinances shall be adhered to.
### ATTACHMENT 3
### STANDARDS FOR CONDITIONAL USE PERMITS
### CONDITIONAL USE PERMIT 432

**36-363 (10) Standards.** An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:

<table>
<thead>
<tr>
<th>Standards</th>
<th>Developer’s Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The proposed conditional use will be consistent with the adopted policies in the Springfield Comprehensive Plan.</td>
<td>based on proposed location and existing surrounding zoning characteristics, we believe this installation fits within the comprehensive plan</td>
</tr>
<tr>
<td>2. The proposed conditional use will not adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.</td>
<td>it will not, site is set back from the access Rd, N. LaFontaine</td>
</tr>
<tr>
<td>3. The proposed conditional use will adequately provide for safety from fire hazards, and have effective measures of fire control.</td>
<td>it will, unmanned facility</td>
</tr>
<tr>
<td>4. The proposed conditional use will not increase the hazard to adjacent property from flood or water damage.</td>
<td>it will not, virtually the same as existing</td>
</tr>
<tr>
<td>5. The proposed conditional use will not have noise characteristics that exceed the sound levels that are typical of uses permitted as a matter of right in the district.</td>
<td>it will not … unmanned facility</td>
</tr>
<tr>
<td>6. The glare of vehicular and stationary lights will not affect the established character of the neighborhood, and to the extent such lights will be visible from any residential district, measures to shield or direct such lights to eliminate or mitigate such glare are proposed.</td>
<td>Not an issue, unmanned facility</td>
</tr>
<tr>
<td>7. The location, lighting, and type of signs and the relationship of signs to traffic control is appropriate for the site.</td>
<td>no advertising type of signs on site</td>
</tr>
<tr>
<td>8. Such signs will not have an adverse effect on any adjacent properties.</td>
<td>no signs</td>
</tr>
<tr>
<td>9. The street right-of-way and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.</td>
<td>no changes in R.O.W., using existing</td>
</tr>
<tr>
<td>10. The proposed conditional use will not have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking utility facilities, and other matters affecting the public health, safety and general welfare.</td>
<td>no issues, unmanned facility</td>
</tr>
<tr>
<td>36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:</td>
<td>Developer’s Response:</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>11. The proposed conditional use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, consideration shall be given to: a. The location, nature and height of buildings, structures, walls and fences on the site; and b. The nature and extent of landscaping and screening on the site.</td>
<td>per zoning, 6’ solid wooden fence and landscaping will be installed per code</td>
</tr>
<tr>
<td>12. The proposed conditional use, as shown by the application, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural topographic or physical features of the site.</td>
<td>will not</td>
</tr>
<tr>
<td>13. The proposed conditional use will not result in the destruction, loss or damage of any natural, scenic or historic feature of significant importance.</td>
<td>will not</td>
</tr>
<tr>
<td>14. The proposed conditional use otherwise complies with all applicable regulations of the Article, including lot size requirements, bulk regulations, use limitations and performance standards.</td>
<td>will not</td>
</tr>
<tr>
<td>15. The proposed conditional use at the specified location will contribute to or promote the welfare or convenience of the public.</td>
<td>it will, bringing additional access to wireless broadband capacity</td>
</tr>
<tr>
<td>16. Off-street parking and loading areas will be provided in accordance with the standards set out in 36-455, 36-456 and 36-483 of this Article, and such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect.</td>
<td>unmanned facility</td>
</tr>
<tr>
<td>17. Adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.</td>
<td>utilizing existing ingress / egress</td>
</tr>
<tr>
<td>18. The vehicular circulation elements of the proposed application will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.</td>
<td>no issue, unmanned facility</td>
</tr>
<tr>
<td>36-363 (10) Standards. An application for a conditional use permit shall be granted only if evidence is presented at the public hearing which establishes the following:</td>
<td>Developer's Response:</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>19. The proposed use, as shown by the application, will not interfere with any easements, roadways, rail lines, utilities and public or private rights-of-way.</td>
<td>no issue</td>
</tr>
<tr>
<td>20. In the case of existing structures proposed to be converted to uses requiring a conditional use permit, the structures meet all fire, health, building, plumbing and electrical requirements of the City of Springfield.</td>
<td>no issue, no existing structures will be used</td>
</tr>
<tr>
<td>21. The proposed conditional use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.</td>
<td>it will, unmanned facility</td>
</tr>
</tbody>
</table>
ATTACHMENT 4

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Conditional Use Permit for: PLN2017 - 00433

2. Meeting Date & Time: November 21st  4p - 6:30p +/-

3. Meeting Location: 1452 N. LaFontaine Ave., Springfield MO

4. Number of invitations that were sent: over 120

5. How was the mailing list generated: by Zoning Dept. - City of Springfield

6. Number of neighbors in attendance (attach a sign-in sheet): 3

7. List the verbal comments and how you plan to address any issues: No negative comments from any of the 3

   Common Comment: “I have no issue with a new cell tower”

8. List or attach the written comments and how you plan to address any issues:

1. [Signed Name] (print name), attest that the neighborhood meeting was held on
   11/21/2017 (month/date/year), and is at least twenty-one (21) days prior to the Planning and Zoning
   Commission public hearing and in accordance with the attached “Neighborhood Notification and Meeting Process.”

   Signature of person completing affidavit

   [Signed Name]

   Printed name of person completing affidavit
MD-5/105

PLN 2017-00433

on site @ 3:45p local time  left site @ 6:33p

Neighborhood Meeting Attendees

Name                              Address
Aaron Hamilton                   1433 N. Lafayette
Beth Hodges                      1419 "   "
George Rensch                    (417) 844-2537

Sether Lucellep